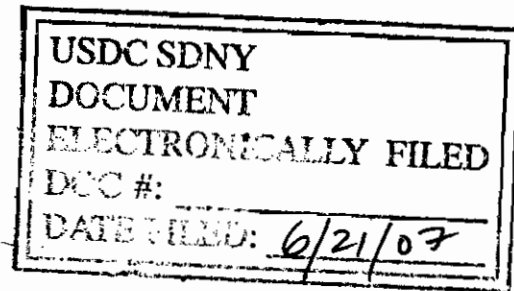


*Chen, J*

GORLICK, KRAVITZ & LISTHAUS, P.C.  
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X	:	
MASON TENDERS DISTRICT COUNCIL	:	
WELFARE FUND, PENSION FUND, ANNUITY	:	
FUND, TRAINING PROGRAM FUND, and	:	07 Civ. 3499 (DC)
JOHN J. VIRGA, in his fiduciary capacity as Director,	:	
	:	
Plaintiffs,	:	<u>JUDGMENT BY DEFAULT</u>
	:	
- against -	:	
	:	
BIG APPLE ROOFING & CONSTRUCTION CORP.	:	
and HARRY MARKU,	:	
	:	
Defendants.	:	
-----X	:	

This action having been commenced by the filing of a summons and complaint on May 2, 2007 and a true copy of the summons and complaint having been served upon defendant BIG APPLE ROOFING & CONSTRUCTION CORP. on May 14, 2007, by Deborah LaPointe, a licensed process server, by service upon Donna Christie, an agent of the Secretary of State of the State of New York, pursuant to section 306 of the Business Corporation Law of the State of New York; and a true copy of the summons and complaint having been served upon defendant HARRY MARKU on May 15, 2007 by Timothy M. Botti, a licensed process server, by service at defendant HARRY MARKU's place of business, c/o Big Apple Roofing at 321 Douglass Street, Brooklyn, New York, by personally delivering and leaving same with Dee Sturce, a person of suitable age and discretion at that address and on May 16, 2007, by serving another copy of the foregoing upon defendant HARRY MARKU by first class mail, addressed as follows: Harry Marku, c/o Big Apple Roofing, 321 Douglass Street, Brooklyn, New York, 11217; and proofs of service having been filed with the Court on May 18,

2007; and defendants BIG APPLE ROOFING & CONSTRUCTION CORP. and HARRY MARKU having failed to answer, appear or otherwise defend in this action within the time permitted by law, there is no just reason to delay the entry of judgment by default against defendants BIG APPLE ROOFING & CONSTRUCTION CORP. and HARRY MARKU.

NOW, on motion of GORLICK, KRAVITZ & LISTHAUS, P.C., attorneys for plaintiffs, by Michael J. Vollbrecht, Esq., it is

ORDERED, ADJUDGED AND DECREED, that plaintiff MASON TENDERS DISTRICT COUNCIL WELFARE FUND ("PLAINTIFF") as the collecting agent for plaintiffs MASON TENDERS DISTRICT COUNCIL WELFARE FUND, PENSION FUND, ANNUITY FUND, and TRAINING PROGRAM FUND, and JOHN J. VIRGA, in his fiduciary capacity as Director ("FUNDS"), has judgment against defendants BIG APPLE ROOFING & CONSTRUCTION CORP. and HARRY MARKU in the liquidated amount of \$184,294.44, which amount includes fringe benefit contributions, statutory damages, interest on unpaid fringe benefit principal, dues checkoffs contributions, interest on dues checkoffs contributions, Political Action Committee ("PAC") contributions, interest on PAC contributions, contractual audit fees, costs and attorneys' fees; and it is further

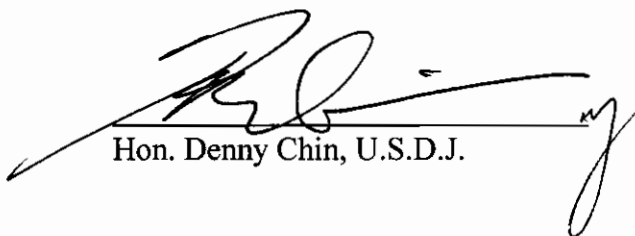
ORDERED AND DECREED, that defendants BIG APPLE ROOFING & CONSTRUCTION CORP. and HARRY MARKU post within thirty (30) days after service of a copy of this judgment and maintain a bond in the amount of \$50,000.00 to guarantee payment to plaintiffs FUNDS and non-party MASON TENDERS DISTRICT COUNCIL OF GREATER NEW YORK AND LONG ISLAND ("UNION") of all fringe benefit contributions, dues checkoffs, and PAC contributions that become due and owing, in accordance with the terms of the Collective Bargaining Agreement between defendants and non-party UNION; and it is further

ORDERED, AND DECREED, that defendants BIG APPLE ROOFING & CONSTRUCTION CORP. and HARRY MARKU permit and cooperate in the conduct of an audit of defendant BIG APPLE ROOFING & CONSTRUCTION CORP.'s books and records for the

period March 13, 2006 to the present, including, but not limited to, payrolls and payroll ledger including office payroll, yard payroll, payoff payroll, New York and New Jersey payroll, etc., computer payroll printout, W-2 forms, quarterly federal payroll tax returns (form 941), quarterly state payroll tax returns (forms WT-4-A & WT-4-B), annual federal and state tax returns, cash disbursements journal, purchase journal, 1099 forms, New York and New Jersey employment records, insurance company reports, supporting checks, ledgers, vouchers and any other items concerning payroll, by plaintiffs' representatives, within thirty (30) days after service of a copy of this judgment, pursuant to the Collective Bargaining Agreement between defendants BIG APPLE ROOFING & CONSTRUCTION CORP. and HARRY MARKU and non-party UNION for the purpose of ascertaining and verifying the amount of fringe benefit contributions, dues checkoffs, and PAC contributions due plaintiffs, if any.

Dated: New York, New York

6/21, 2007



Hon. Denny Chin, U.S.D.J.